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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,798	07/24/2000	Paul C Coffin	10001664-1	6517

22879 7590 08/15/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

WATKO, JULIE ANNE

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,798

Applicant(s)

COFFIN ET AL.

Examiner

Julie Anne Watko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-2, 4-6, 10-11, 13-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twigg (US Pat. No. 5227954).

See statement of rejection in the non-final action mailed May 5, 2005, and response to arguments below.

4. Claims 3, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Twigg (US Pat. No. 5227954) in view of Pitz et al (US Pat. No. 6240058 B1).

See statement of rejection in the non-final action mailed May 5, 2005, and response to arguments below.

Response to Arguments

5. Applicant's arguments filed August 2, 2005, have been fully considered but they are not persuasive.

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On page 10, 1st full paragraph, Applicant argues that “Twigg describes an arrangement wherein the disk drive (20) is mounted to the drive dock (21) (e.g., via brackets 23R and 23L), and not to the plates (22R and 22L).” The Examiner has considered this argument thoroughly and agrees that the disk drive of Twigg is secured to the drive dock via brackets; however, the claims are not written in closed language. Because the disk drive of Twigg is also mounted to the plates of Twigg, the claim limitation is met.

For example, claim 1 recites the limitation “mounted to a first set of the plurality of sets of mounting locations provided on said lower and upper plates” in lines 10-13. To interpret the meaning of this claim limitation, it is appropriate to look to intrinsic evidence such as the specification. See *Phillips v. AWH Corp.*, 75 USPQ2d 1321, 1329 (CAFC 2005). On page 18, lines 27-33, the specification recites (emphasis added) that “device 34 may be mounted to the first set of mounting locations 28 provided on the upper and lower plates 20, 22 of frame 18 so that the first device 34 is located at a first position 38 within the frame 18. It is generally preferred, but **not required**, that the first cartridge receiving device 34 be **secured to the frame 18**.” See also page 24, lines 25-27, “It is generally preferred, but **not required**, that the third cartridge receiving device 46 be **secured to the frame 18** with one or more fasteners 52.” Thus, it is clear that a device may be mounted to a location, without being secured to said location. Although the device of Twigg is arguably not secured to the “left mounting plate 22L and right mounting plate 22R” (see Twigg, col. 2, lines 60-61), the device of Twigg is nonetheless mounted to the mounting plates.

Furthermore, additional mounting locations, not located on plates, were contemplated by Applicant. See page 6, line 34-page 7, line 2, “plurality of sets of mounting locations (i.e., 28, 30,

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32) may be provided on any of the various component parts, e.g., 20, 22, 24, 26, of frame 18".

The existence of mounting locations on other parts of the frame does not negate the existence of mounting locations on the plates.

Furthermore, regarding the limitation "lower and upper", it is noted by the Examiner that Applicant has admitted, on page 22, lines 17-24 of the specification, that "other configurations may be used as would be obvious to persons having ordinary skill in the art after having become familiar with the teachings of the present invention. For example, the first and second cartridge receiving devices 34 and 36 may be stacked vertically or one-on-top of the other such that the cartridge insert slots 42 and 44 are generally oriented horizontally (not shown)."

On page 13, Applicant has argued claims 3, 12 and 18 by virtue of their dependency from independent claims 1, 10 and 14. Because the independent claims are obvious, Applicant's arguments are not persuasive.

Applicant has failed to point out any **claimed** feature that is neither shown nor suggested by the prior art of record. The obviousness rejections are maintained and made final.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

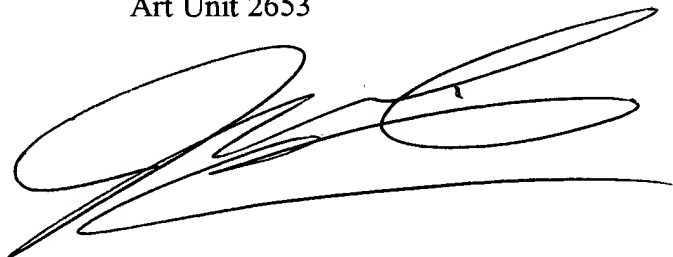
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Mon, Tue, Thu & Fri until 4:45PM, Wed until 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Julie Anne Watko
Primary Examiner
Art Unit 2653

August 12, 2005
JAW

A handwritten signature in black ink, appearing to read 'Julie Anne Watko', with a long horizontal flourish extending to the right.